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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/765,244	01/18/2001	David B. Gould	700-153A	9019
7590	08/25/2004		EXAMINER	
David Gould 122 East 42nd Street Suite 1733 New York, NY 10168			NGUYEN, NGA B	
			ART UNIT	PAPER NUMBER
			3628	

DATE MAILED: 08/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/765,244

Applicant(s)

GOULD ET AL.

Examiner

Nga B. Nguyen

Art Unit

3628

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 January 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-54 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-54 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

1. This Office Action is the answer to the communication filed on January 18, 2001, which paper has been placed of record in the file.
2. Claims 1-54 are pending in this application.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-6, 8-9, 14, 17, 22-24, 29-32, 34-35, 40, 43, and 48-50 are rejected under 35 U.S.C. 102(b) as being anticipated by Stimson, U.S. Patent No. 5,721,768.

Regarding to claim 1, Stimson discloses a method for operating a cash-equivalent card-based purchasing system comprising the steps of:

storing in a storage device associated with an information processing computer a plurality of records, each comprising a unique cash-equivalent card number linked to a value (column 2, lines 43-44);

providing to a user a cash-equivalent card, the cash-equivalent card numbers stored in the storage device, the cash-equivalent card provided in exchange for consideration equivalent to at least the value linked to the cash-equivalent card number encoded thereon, the cash-equivalent card comprising no information regarding the identify of the user (column 2, lines 35-50 and figure 2);

activating the subsequent use of the cash-equivalent card provided to the user (column 3, lines 7-21); and

executing with a merchant a purchase transaction for a purchase item having a corresponding purchase amount by the user presenting the cash-equivalent card to the merchant, the merchant utilizing a purchase authorization system associated with a universally accepted credit-card, performing a purchase authorization step by requesting authorization from the information processing computer that the purchase amount is not greater than the value stored in the storage device, and the information processing computer reducing the value stored in the storage device by the purchase amount if the authorization is successful (column 6, line 65-column 7, line 25);

wherein the storage device contains no information regarding the identify of the user to whom the cash-equivalent card has been provided (column 2, lines 43-44).

Regarding to claim 2, Stimson discloses the method as set forth in claim 1, Stimson further discloses the step of activating comprises the step of programming activation data in a record in the storage device that is associated with the cash-equivalent card provided to the user (column 3, lines 7-21).

Regarding to claim 3, Stimson discloses the method as set forth in claim 1, Stimson further discloses the step of activating comprises the step of altering a characteristic of data encoded on the cash-equivalent card (column 3, lines 7-10).

Regarding to claim 4, Stimson discloses the method as set forth in claim 1, Stimson further discloses the step of activating occurs at substantially the same time that the cash-equivalent card is provided to the user in exchange for consideration (column 5, line 64-column 6, line 19).

Regarding to claim 5, Stimson discloses the method as set forth in claim 1, Stimson further discloses the step of activating occurs during a card distribution phase

substantially prior to the time that the cash-equivalent card is provided to the user in exchange for consideration (column 1, lines 28-43).

Regarding to claim 6, Stimson discloses the method as set forth in claim 1, Stimson further discloses the step of activating comprises the step of: storing an activation string in a record in the storage device that is associated with the cash-equivalent card provided to the user (column 2, lines 43-44); providing the activation string to the user (column 2, lines 35-40); activating the subsequent user of the cash-equivalent card only after the activation string has been subsequently communicated to the information processing computer (column 2, lines 50-60).

Regarding to claims 8-9, Stimson discloses the method as set forth in claim 6, Stimson further discloses the activation string is subsequently communicated with the information processing computer via a computer-based data entry system which comprises computes interconnected over the Internet (column 11, lines 1-14).

Regarding to claim 14, Stimson discloses the method as set forth in claim 10, Stimson further discloses the predefined function is related to the frequency that the cash-equivalent card is used for making a purchase (column 7, lines 1-25).

Regarding to claim 17, Stimson discloses the method as set forth in claim 1, Stimson further discloses the cash-equivalent card number is encoded in a magnetic stripe on the card (column 3, lines 60-65 and figure 2).

Regarding to claims 22-24, Stimson discloses the method as set forth in claim 1, Stimson further discloses each cash-equivalent card has associated in the storage device a record of previously executed purchase transaction comprises identification of types of goods previously purchased and identification of the merchant with whom the purchase transaction have been executed (column 6, lines 44-65).

Claims 29-32, 34-35, 40, 43, and 48-50 are written in means and contain the same limitations as claims 1-3, 6, 8-9, 14, 17, and 22-24, respectively, therefore are rejected by the same rationale.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 7, 10-13, 15-16, 18-19, 21, 33, 36-39, 41-42, 44-45, and 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stimson, U.S. Patent No. 5,721,768.

Regarding to claim 7, Stimson discloses the method as set forth in claim 6, Stimson fails to disclose the activation string is subsequently communicated with the information processing computer via a telephone-base data entry system. However, the activation string is subsequently communicated with the information processing computer via a telephone-base data entry system is old and well-known in the art. Many credit card company when issues a new credit card to the user often requests the user to call a toll free number recorded on a sticker on the back of the card and provide the activation string such as the user's account number printed on the card in order to activate the card before using. Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to combine the above feature with Stimson's for the security purpose.

Regarding to claims 10-13 and 15-16, Stimson discloses the method as set forth in claim 6, Stimson fails to disclose a values stored in the storage device may vary in accordance with a predetermined function which is: an increase of the value as a function of time, an decrease of the value as a function of time, an increase of the value in a random manner, related to the number of purchase made within a predetermined period of time, related to the number of purchase made within a randomly determined period of time. However, a values stored in the storage device may vary in accordance with a predetermined function which is: an increase of the value as a function of time, an decrease of the value as a function of time, an increase of the value in a random manner, related to the number of purchase made within a predetermined period of time, related to the number of purchase made within a randomly determined period of time are old and well-known in the art. For example, many credit card's issuer increases the user's account balances when the user purchases many products in a period of time, or the issuer may decrease the user's account balances when the user does not use the card for a long time. Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to combine the above feature with Stimson's for the purpose of encouraging the user purchases products using the prepaid card.

Regarding to claim 18, Stimson discloses the method as set forth in claim 1, Stimson fails to disclose the cash-equivalent card number is encoded in a bar code symbol printed on the card. However, the card number is encoded in a bar code symbol printed on the card is old and well-known in the art. Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to combine the cash-card having the card number encoded in bar code symbol with Stimson's for the purpose of allowing the cash- card can be read by a bar code reader.

Regarding to claim 19, Stimson discloses the method as set forth in claim 1, Stimson fails to disclose the cash-equivalent card number is encoded in an RF-ID transponder associated with the card. However, that the card number is encoded in an RF-ID transponder is old and well-known in the art. Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to combine the cash-card having the card number is encoded in an RF-ID transponder with Stimson's for the purpose of allowing the cash-card can be read by a RF-ID reader.

Regarding to claim 21, Stimson discloses the method as set forth in claim 1, Stimson fails to disclose the value stored in the storage device is also reduce by a transaction fee related to the purchase transaction. However, the storage device is also reduce by a transaction fee related to the purchase transaction is old and well-known in the art. Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to combine the above feature with Stimson's for the purpose of collecting a fee by the prepaid card's issuer when the user purchases products using prepaid card.

Claims 33, 36-39, 41-42, 44-45, and 47 are written in means and contain the same limitations as claims 7, 10-13, 15-16, 18-19, and 21, respectively, therefore are rejected by the same rationale.

7. Claims 20 and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stimson, U.S. Patent No. 5,721,768 in view of Dethloff et al, U.S. Patent No. 4,837,422.

Regarding to claim 20, Stimson discloses the method as set forth in claim 1, Stimson fails to disclose the value is denominated in a base currency type and the purchase amount is denominated in a purchase currency type, and if the purchase currency type is different form the base currency type, than the step of executing a

purchase transaction comprises the additional step of converting the purchase amount to a converted purchase amount denominated in the base currency type (column 7, lines 47-60). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to include the conversion of currency with Stimson's for the purpose of allowing the user can purchase products using prepaid card when traveling to a foreign country.

Claim 46 is written in means and contains the same limitations as claim 20, therefore is rejected by the same rationale.

8. Claims 25-28 and 51-54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stimson, U.S. Patent No. 5,721,768 in view of Picciallo, U.S. Patent No. 6,044,360.

Regarding to claims 25-28, Stimson discloses the method as set forth in claim 1, Stimson fails to disclose the following features which is disclosed by Picciallo: each cash-equivalent card has associated in the storage device: an allowable purchase item type record comprising a listing of allowable purchase item types, and a disallowable purchase item types record comprising a listing of disallowable purchase item types (see abstract and figure 2), and wherein the purchase authorization step further comprises the steps of:

transmitting to the information processing computer an identification of the purchase item (column 11, lines 1-30);

determining if the purchase item is listed as an allowable purchase item type or as a disallowable purchase item type (column 11, lines 1-30); and

disallowing the transaction if the purchase item is not listed as an allowable purchase item type, and allowing the transaction if the purchase item is not listed as a disallowable purchase item type (column 9, lines 50-67).

each allowable purchase item type record further comprises a budget amount associated with each allowable purchase item type; and wherein the purchase authorization step further comprises the steps of: allowing the purchase transaction only if the purchase amount is not greater than the budget amount associated with the purchase item; reducing the budget amount associated with the purchase item by the purchase amount if the transaction is allowed (column 9, lines 50-67);

the budget amount associated with each allowable purchase item type is controllable by an authorized user, the authorized user being provided with access to the budget amounts via a user computer in selective communication with the information processing computer (column 11, lines 1-30).

Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to combine the above features with Stimson's for the purpose of allowing an authorized user of the cash-card to limit the items purchased and limit the maximum amounts of each type of items purchased when the authorized user attempts to give the cash-card to the third party such as parents control their children's cards.

Claims 51-54 are written in means and contain the same limitations as claims 25-28, respectively, therefore are rejected by the same rationale.

Conclusion

9. Claims 1-54 are rejected.

10. The prior arts made of record and not relied upon is considered pertinent to applicant's disclosure:

Fite et al. (US 6,467,684) disclose a pre-paid card system is provide for paying for purchases over an electronic network such as the Internet.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Nga B. Nguyen whose telephone number is (703) 306-2901. The examiner can normally be reached on Monday-Thursday from 9:00AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung S. Sough can be reached on (703) 308-0505.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 306-1113.

12. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
C/o Technology Center 3600
Washington, DC 20231

Or faxed to:

(703) 872-9326 (for formal communication intended for entry),

or

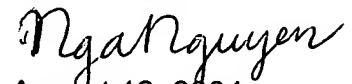
(703) 308-3691 (for informal or draft communication, please label "PROPOSED" or "DRAFT").

Hand-delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, VA, Seventh Floor (Receptionist).

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Nga B. Nguyen

A handwritten signature in cursive script, appearing to read 'Nga B. Nguyen'.

August 12, 2004